



**MINUTES OF THE ENVIRONMENTAL REVIEW BOARD (ERB)**  
**Santa Monica Mountains**  
**MEETING OF JUNE 15 2009**  
(Minutes approved on July 20, 2009)

**PERSONS IN ATTENDANCE:**

**ERB MEMBERS**

Rosi Dagit (absent)  
Dr. Noël Davis  
Ron Durbin (Deputy Forester)  
Suzanne Goode  
Dr. Margot Griswold (absent)  
Richard Ibarra (absent)  
Dr. Travis Longcore (absent)  
David Magney (absent)

**REGIONAL PLANNING STAFF**

Jeff Juarez (ERB Coordinator)  
Dr. Shirley Imsand (Biologist)  
Emma Howard (DRP, temporary ERB member)  
Dr. Mark Herwick (DRP, temporary ERB member)

**Project No. R2005-00378/RPP2005-00289**

**Mar Vista Ridge Road, Malibu/APN: 4461-003-014**

Don Schmitz                      310-589-0773

**Project No. R2009-00620/RPP2009-00457**

**3240 Cross Creek Road, Malibu/APN: 4457-002-038**

Jose Iujvidin                      310-456-5905  
Roland Graham                      805-499-7380

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**AGENDA ITEMS & PAGINATION:**

1.     Minutes of February 23, 2009, p.2
2.     Minutes of April 20, 2009, p.2
3.     Minutes of May 18, 2009, p.2

**NEW BUSINESS:**

4.     **Project No. R2005-00378/RPP2005-00289 (The Wine Cave)**  
       **Mar Vista Ridge Road, Malibu/APN: 4461-003-014, pp. 3-7**

5. **Project No. R2009-00620/RPP2009-00457 (Cross Creek Road Residence)**  
**3240 Cross Creek Road, Malibu/APN: 4457-002-038, pp. 7-11**

**OTHER MATTERS**

6. **Public comment** pursuant to Section 54954.3 of the Government Code.

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**NOTE: ERB MEETINGS ARE INFORMAL WORKING SESSIONS. MEMBERS ARE APPOINTED AS VOLUNTEERS TO SERVE IN AN ADVISORY CAPACITY. MINUTES ARE PREPARED BY PLANNING STAFF PRIMARILY FROM NOTES. MEETINGS ARE ALSO RECORDED ON TAPE WHICH IS USED PRIMARILY AS A BACK-UP FOR STAFF. VISITORS ARE ADVISED TO TAKE PROPER NOTES AND/OR RECORD THE MEETING. NEW OR CLARIFIED INFORMATION PRESENTED IN BIOTA REVISIONS MAY RAISE NEW ISSUES AND REQUIRE FURTHER ANALYSIS. MINUTES ARE GENERALLY APPROVED AT THE FOLLOWING MEETING. DRAFT MINUTES MAY BE REQUESTED BUT ARE SUBJECT TO REVISION.**

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**ERB MINUTES**

**15 June 2009**

1. **Minutes of February 23, 2009:** Revisions to the minutes of February 23 were not completed in time for this meeting. The revisions will be prepared for an uncertain ERB meeting date in the future.
2. **Minutes of April 20, 2009:** The minutes were approved without amendment on a motion by Suzanne Goode and a second motion by Dr. Noel Davis.
3. **Minutes of May 18, 2009:** The minutes were approved without amendment on a motion by Rosi Dagit via email, and a second motion by Ron Durbin.

**NEW BUSINESS**

**4. The Wine Cave on Mar Vista Ranch Road, Malibu**

**Project No. R2005-00378**  
**Plot Plan: RPP 2005-00289**  
**APN: 4448-007-121**  
**Location: Mar Vista Ridge Road, Malibu**  
**Applicant: Don Schmitz, of Schmitz & Associates, Inc.**

**Project:** The project proposes the construction of a 5,000 square foot agricultural building, and a subterranean wine cave with a separate entrance. Development of the agricultural building will involve 1,110 cubic yards of cut for the building pad, and 185 c.y. of cut outside of the building pad, and the wine cave will include 3,166 c.y. of cut, for a total of 4,461 c.y. of cut and no proposed fill. Access to the agricultural building would be provided by an existing 10-foot wide gravel road that stems from an existing 20-foot wide dirt road. The plans show a 15-foot wide driveway at the agricultural building entry. Access to the wine cave would be provided by the 20-foot wide dirt road. The agricultural building would be 18 feet in height, with no proposed heating or septic systems, and includes retaining walls and exterior stairways.

**Resource:** The proposed project site is located in the **Santa Monica Mountains Malibu Coastal Zone**, within a **Significant Watershed**, and located on a **Significant Ridgeline** between Latigo and Solstice Canyons. One property to the west and bordering the subject parcel is **Federal** land.

**Request:** **Review plans for agricultural building and subterranean wine cave. The ERB recommendations will be used as guidelines for the Director's Review and as part of any necessary environmental review of the project under the California Environmental Quality Act (CEQA).** Projects normally exempt from CEQA are subject to environmental review when in sensitive locations [PRC §15300.2(a)].

**Notes on Applicant's Presentation:**

- The applicant conducted a presentation of the project. The applicant pointed out their intention to minimize the proposed fuel modification as a component of the application. There will be reduced thinning of native brush in the area to the west due to the topography sloping upward. This is the area of the dirt access road. A cliff exists to the south of the proposed storage building pad. A fire wall is proposed along the edge of the pad to further reduce fuel modification on this side. On the north side, a critical side because, according to the applicant, fires tend to come from the north/northeast, a standard 200 feet of brush clearance will occur from the access road down to the existing road. A vineyard is proposed on the east-facing side.
- The applicant compared the proposed fuel modification to a standard fuel modification plan that would be required for a standard single-family residence, which, according to the applicant, would be allowed on this project site. The applicant stated the difference is that for a normal single-family residence, 120,000+/- square feet of fuel modification would be required, but this project proposes half of that, approximately 65,000 sq. ft.

- The applicant responded that there is no fuel modification for the cave, and that he was informed by the fire department that, for a communications tower, a 100-foot fuel modification around the tower was required. The applicant pointed out that the logic for this was that if there is a substantive structure, the fire department is going to defend it if they have got a reasonable chance to do so. According to the applicant, this proposed project has significantly less fuel modification impacts and significantly less impacts across the board, as opposed to a single-family home.
- The applicant commented that there are approvals from the County and Coastal Commission to pave the entire length of the existing 20-foot wide fire access road out to Latigo Canyon Road, and that portions of the road are paved and unpaved, but mostly unpaved, at this time.
- The applicant commented that he did not want to make any improvements to the existing 10-foot wide dirt road that winds up to the area of the proposed storage building, and that it will be used by tractors, gators, and pick-up trucks.
- The applicant responded that the site is more or less flat, but that it would be graded for the building pad. The applicant pointed out that if a home were proposed for this site, grading for a 20-foot wide road would have to be done, along with retaining walls and brush clearance on either side that would be standard for fuel modification and fire access. The applicant points out that in addition to the 120,000 sq.ft. of fuel modification, another 23,000 to 24,000 sq.ft. of additional fuel modification, in addition to the grading, would be done to improve the dirt road to meet fire access standards.
- The applicant responded that a communications towers would have a 10-foot wide road commensurate with the 10-foot wide dirt road on the site. The applicant stated their understanding of the rigorous standards for homes and providing access for fire apparatus. However, it seems that for a building that is primarily for the storage of grape stakes, wine barrels, netting, and things of that nature, the applicant asked why the access road would need to be carved up.
- The applicant responded that given all the precedent, in the private and public sectors, for communication facilities, storage buildings, water projects and agricultural buildings, there are thousands of them out there that are approved all the time that do not need to meet the 20-foot wide standard. The applicant states that the project is consistent with code and precedent, and that he wants to reduce the footprint as much as possible.
- The applicant responded that a vineyard is located on the adjacent residential property, but he does not have a winery permit. The applicant stated that the wine is produced off-site, at a winery located in Camarillo, and that approximately 300 cases a year would be produced. The applicant stated that he did not intend to have wine tasting, and that he had licenses from State.
- The applicant responded that it was considered but rejected because that location would require another graded road, fuel modification would extend onto the adjacent National Park Service property, and that the steep topography in that area restricts this option.
- The applicant responded that the building pad would be small, much less than the 10,000 sq.ft. pad maximum, and notched into the hill, and that the building would be one-story (18 ft. in height) and far removed from Latigo Canyon Road.
- The applicant stated that the structure is not a tower but a garage and loading area. The applicant pointed out that to minimize grading, the garage is kept at grade with the driveway (from the existing 10-foot wide road), and that it is a step-down design, not a two-story structure. The building is only for equipment and supplies, tractors, trailers, pick-up trucks.
- The applicant responded that infiltration would not be successful due to the shallow depth of the soil, and the hard rock that is just below. The applicant points out that water drains right off the steep hill, and that infiltrating into the hill would be unnatural because water currently does not infiltrate in this area. The applicant commented that infiltrating water into the hill could later lead to stability problems within the mountain. But the applicant responded that a 10,000 gallon cistern could be incorporated into the project. The applicant also suggested the use of filtering devices to treat runoff.

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ERB Meeting Date: June 15, 2009

ERB Evaluation:              Consistent                        X   Consistent after Modifications  
                                        Inconsistent                            No decision

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**ERB COMMENTS:**

- The ERB asked if there will be fuel modification for the cave, and if fuel modification requirements applied to such structures.
- The ERB asked if the proposed building site is already naturally flat.
- The ERB asked if the fire department would require a 20-foot wide road to defend the structure.
- The ERB stated its belief that a 20-foot wide road would be required because responders would probably not know that there is a storage structure; they will think it is a house, and that depending on the conditions, responders may attempt to defend what they think is a house.
- The ERB asked if the applicant currently has a winery permit for the residential project (on the adjacent property), if the wine cave would be used to store wine made from both properties, if the wine is produced off-site, how much wine is planned to be stored in the cave, if the applicant plans on having wine tasting, and if the applicant has a Type-II license from the State.
- The ERB asked if the applicant considered the area down closer to the road as a site for the agricultural building.
- The ERB asked about the visual character of the project because it would be located on the ridge, and could be seen from Latigo Canyon Road.
- The ERB asked about the tower structure.
- The ERB returned to the issue of access, and pointed out that if a 20-foot wide road is required, then the road would need to be moved so as to not impact the National Park Service property with fuel medication and clearance. The ERB stated that the Fire Department will have to make a decision on whether a 20-foot wide road would be required for this project.
- The ERB commented that there is a lot of chaparral on the site, and that the fuel modification plan shows turf installed in some areas around the building but not in other areas.
- The ERB asked if the applicant will be infiltrating the first ¾-inch of a storm, and suggested retaining runoff by incorporating a cistern to comply with the ¾-inch requirement. The ERB suggested placing the cistern close to the building.
- The ERB stated its concern that fuel modification could impact the Ceanothus megacarpus, which is not a re-sprouting species. The ERB suggested that the thinning zone be feathered-in, and not clear-cut, to retain the Ceanothus, especially closer to the road. Also, the Black Walnut trees should be retained.
- The ERB commented that the fuel medication plan shows Baccharis extending out to the edge of the road and into the thinning area of the fuel modification zone. The ERB pointed out that only the first 50 feet (Zones A and B) of the fuel modification would be appropriate for new planting, and recommended removing the Baccharis from Zone C. Also, irrigation should be removed from Zone C. The landscape, fuel modification, and irrigation plans should be consistent in showing Zone C as the thinning zone and non-irrigated.

## **ERB RECOMMENDATIONS:**

- The ERB recommends a cistern be incorporated into the project to retain that which is required by the Regional Water Control Board, and it shall be located next to the agricultural building so that it does not disturb any other areas on the site.
- The ERB recommends a filtration system be incorporated into the project to adequately treat stormwater runoff not retained on site.
- Zone C thinning: This area shall not be clear cut, and clumps of the *Ceanothus megacarpus* shall be retained along with the Black Walnut trees. The *Baccharis* plant shall be removed from Zone C.
- The landscape plan, fuel modification plan, and irrigation plan shall comply with fuel modification standards and be consistent with each other.
- The agricultural building shall be in earth tones to camouflage the structures, coordinating with the color of soil, rocks, and native vegetation of the site. Use of native vegetation in landscaping will help screen the structure.
- Exterior night lighting shall be minimized using low intensity (lights not exceeding 800 lumens), low stature fixtures (2.5-3 ft.). Lights shall be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW does not require public lighting, then none shall be used. Security lighting, if used, shall be on an infrared detector or use motion detectors.
- Perimeter fencing shall not be allowed; security fencing, as around a pool, is permitted.
- The fuel modification plan shall provide zone dimensions and follow these standards:

**Zone A:** 20 feet wide; irrigated; non-invasive ground covers

**Zone B:** 30 feet wide beyond Zone A; irrigated; contains non-invasive ground covers, native plants, deep-rooted perennials, some well-spaced shrubs and trees

**Zone C:** Beyond Zones A and B (to 200 ft. from the structure or to property line, whichever is less), mosaic of thinned, clumped, native vegetation, pruned on a staggered 2-3 year schedule, with clumps adjacent to one another in alternate pruning times.

In preparing Zone C for fuel modification:

1. Retain as many non-sprouting species as possible. (They usually have a single trunk.) Do not cut off the trunk in pruning, as this kills the plant.
2. Choose multiple-trunked, resprouting species for removal over non-sprouters. The remaining multi-trunked remaining shrubs should be pruned in a staggered, clumped pattern on an alternating schedule, allowing 2-3 years between prunings for any one clump. Resprouting species can be pruned to near ground level.

For guidance, refer to:

a) The CNPS (California Native Plant Society) website at <http://www.cnps.org/>

b) The Los Angeles County Fire Department at:

<http://www.fire.lacounty.gov/Forestry/BrushManagementPlantIDGuide.asp>

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**Staff Recommendation:**

☐ Consistent                      ☒ Consistent after Modifications  
☐ Inconsistent                      ☐ No decision

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**Staff Recommendations:**

Comply with all ERB recommendations.

Efforts should be made to preserve the Zigadene Lilies abundant on the road leading to the storage building and on the storage building site. They are not especially protected, but the population is healthy. This could be done by transplant or by offering to a bulb or native landscape company. The lilies' scientific name is *Zigadenus fremontii*, but will probably be changed to *Toxicoscordion fremontii*. Be aware that the bulbs and plants are poisonous. [http://en.wikipedia.org/wiki/Zigadenus\\_fremontii](http://en.wikipedia.org/wiki/Zigadenus_fremontii)

5. Cross Creek Road Residence

**Project No:** R2009-00620  
**Plot Plan:** RPP2009-00457  
**APN:** 4457-002-038  
**Location:** 3240 Cross Creek Road, Malibu  
**Applicant:** Jose Iujvidin, of Burdge & Associates

**Project:** The project proposes the construction of a 3-story, 5,370 square foot single-family residence on a currently vacant 13.99 acre lot. The development involves 3,992 sq.ft. of livable space, including 5 bedrooms, and 1,378 sq.ft. of non-livable space, including a garage, storage, mechanical, and utility rooms, and covered porches, for a total of 5,370 square feet. The total proposed impermeable coverage is 6,851 sq.ft., or 1.12 percent of the lot (609,716 sq.ft.). The coverage includes the driveway (1,381 sq.ft), walkways and pool area (2,268 sq.ft.), and building footprint (3,202 sq. ft.). The grading proposed for this project includes 1,150 cubic yards of cut and 403 c.y. of fill, with an estimated export of 747 c.y., and no import. The project also includes a spa, patio, retaining walls, exterior stairs, and landscaping. Access to the site is provided by Cross Creek Road. The site includes slopes in excess of 25 percent

**Resource:** The proposed project site is located in the **Santa Monica Mountains Malibu Coastal Zone**, within the **Malibu Canyon Significant Watershed**. An ESHA-designated area is located north of the site, and the **Backbone Trail** is located on the ridge also north of the site. The west side of the lot is mapped for occurrence of two plants with list 1B.1 status, endangered in California: **Braunton's Milkvetch (*Astragalus brauntonii*)** and the **Round-leaved Filaree (*California macrophyllum*)**. While a majority of the site is located within the **Significant Watershed**, only a portion of the proposed project activity encroaches into this resource area. Land owned by the **State of California** borders the subject property to the north and west.

**Request:** **Review plans for the proposed single-family residence. The ERB recommendations will be used as guidelines for the Director's Review and as part of any necessary environmental review of the project under the California Environmental Quality Act (CEQA).** Projects normally exempt from CEQA are subject to environmental review when in sensitive locations [PRC §15300.2(a)].

**Notes on Applicant's Presentation:**

- The applicant presented a revised plan that indicates the boundary of the Malibu Canyon Significant Watershed, which was not shown on the original plans. The applicant pointed out that the proposed project activity as shown on the updated plans is outside of the boundary, except for a portion of the proposed 100-foot wide irrigated zone, which extends into the watershed area.
- The applicant indicated that the location of the proposed septic system, including the tank and seepage pits, would also be outside of the watershed area, and located by the fire department turnaround. The applicant responded that there is not enough space for a leach line to be used instead of seepage pits.
- The applicant stated that the grading and drainage plan does not show the proposed drainage. However, the applicant pointed out that they usually incorporate into their projects detention basins that will capture and slowly release the runoff. The applicant responded that the basins would probably be located in the lower area of the site, by the driveway.



- The applicant stated the Eucalyptus trees will be removed, and that it is their intention to protect the Ficus trees because they are on the neighboring property.

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ERB Meeting Date:	<u>June 15, 2009</u>		
ERB Evaluation:	<u>X</u> Consistent	<u>      </u> Consistent after Modifications	
	<u>      </u> Inconsistent	<u>      </u> No decision	

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### **ERB COMMENTS:**

- The ERB stated that due to fire behavior and the extreme steepness of the slope, the likelihood of fire moving back down that slope toward the house, there would have to be very extreme fire conditions for that to occur. For these reasons, fuel modification does not have to extend as far up the slope as proposed. Fuel modification for this project could include only the 50 foot irrigated zone (Zones A and B), with the remaining distance just thinning. However, during fuel modification review, the Fire Department will probably allow the fuel modification to stop at 100 feet, with no modification at all beyond that distance.
- The ERB indicated that the applicant could not have picked a better location, in terms of brush clearance, or any sort of clearance, in relationship to the structures around the site, and how it minimizes impacts to the adjacent parcels. It is already within previous clearance zones, and already on a disturbed area of the parcel.
- The ERB pointed out the landscape plant list does not show anything that would conflict with fuel modification.
- The ERB asked if there was any reason why a leach line could not be used instead of seepage pits.
- The ERB asked how the applicant was proposing to retain runoff, for the first 3/4-inch of rain. The ERB suggested incorporating a cistern to capture the runoff. They can be incorporated into decks, retaining walls and so forth, and that water can later be used for irrigation or fire fighting purposes.
- The ERB asked where the detention basins would be located, and indicated that a cistern should be used instead of the basins.
- The ERB noted the number of Eucalyptus trees on the property, approximately 3 or 4. The ERB commented that the Monarch butterfly likes groves of trees, but that if these are separated and not in a grove, there is no reason to keep them. In addition, they're a fire hazard and potentially lethal to birds, depending on the Eucalyptus species, such as the Blue gum. The ERB suggested that a good replacement would be Sycamore trees, as Monarchs used these before Eucalyptus.
- The ERB also made the following comments regarding the site's existing trees (submitted via email and read during the meeting):
  1. The "Photo Location Map" shows 4 trees on the property and 8 off of the property running parallel to the southerly property line.
  2. The 4 trees on-property are comprised of 2 Silk Floss trees (these trees are shown lower on the map) and 2 Eucalyptus trees (these trees are shown higher on the map). The 8 off-property trees are large Ficus trees. None of these are native to the area.
  3. According to the plans, the 4 on-property trees will be removed for project construction.

4. No nests, or remnants of nests, were observed, so it is assumed that birds are not nesting in these 4 on-property trees, particularly the large Eucalyptus tree in the rear part of the proposed pad area.
  5. Typically the Ficus trees have shallow root systems. It appears that the development will be constructing a retaining wall (up to 5' in height) along the southerly property line, adjacent to these trees. An exploratory trench, the same depth as the proposed retaining wall trench, should be hand-dug along that property line so as to locate any major roots from these Ficus trees. Once the roots are found, the wall footing can be designed so as to avoid cutting these roots. Removal and re-compaction of soil on the project side of this retaining wall should be kept to a minimum in order to preserve as many roots as possible.
- The ERB also commented that it did not have any concerns about the Ficus trees.
  - The ERB also suggested using a permeable material for the driveway.

### **ERB RECOMMENDATIONS:**

- If allowed by the Los Angeles County Fire Department, Zone C of Fuel Modification may extend to only 100 feet wide (Zone A and B shall still be implemented).
- Incorporate a cistern instead of detention basins.
- The Eucalyptus trees shall be removed and replaced with California Sycamore (*Platanus racemosa*) trees.
- Incorporate a permeable driveway material.
- The house and landscaping shall be in earth tones to camouflage the structures, coordinating with the color of soil, rocks, and native vegetation of the site. Use of native vegetation in landscaping will help screen the structure.
- Exterior night lighting shall be minimized using low intensity (lights not exceeding 800 lumens), low stature fixtures (2.5-3 ft.). Lights shall be directed downwards with good shielding against projection into the nighttime sky, surrounding properties, and undeveloped areas. If DPW does not require public lighting, then none shall be used. Security lighting, if used, shall be on an infrared detector or use motion detectors.
- A drainage plan is needed showing 100% capture of a 3/4-in. storm, collecting both irrigation and rainfall runoff from roofs, driveways, and other hardscaped areas. For drainage and runoff control, ERB recommends using cistern(s) to capture and store for irrigation and fire-fighting purposes. Consult Internet sources for examples of ideas on cistern systems design. Cisterns may be located beneath buildings and/or driveways. A cistern below a driveway may require a permeable surface. Show the cistern on the drainage plan.
- Unless noted above, the fuel modification plan shall provide zone dimensions and follow these standards:

**Zone A:** 20 feet wide; irrigated; non-invasive ground covers

**Zone B:** 30 feet wide beyond Zone A; irrigated; contains non-invasive ground covers, native plants, deep-rooted perennials, some well-spaced shrubs and trees

**Zone C:** Beyond Zones A and B (to 200 ft. from the structure or to property line, whichever is less), mosaic of thinned, clumped, native vegetation, pruned on a staggered 2-3 year schedule, with clumps adjacent to one another in alternate pruning times.

**In preparing Zone C for fuel modification:**

1. Retain as many non-sprouting species as possible. (They usually have a single trunk.)  
Do not cut off the trunk in pruning, as this kills the plant.

2. Choose multiple-trunked, resprouting species for removal over non-sprouters. The remaining multi-trunked remaining shrubs should be pruned in a staggered, clumped pattern on an alternating schedule, allowing 2-3 years between prunings for any one clump. Resprouting species can be pruned to near ground level.

For guidance, refer to:

a) The CNPS (California Native Plant Society) website at <http://www.cnps.org/>

b) The Los Angeles County Fire Department at:

<http://www.fire.lacounty.gov/Forestry/BrushManagementPlantIDGuide.asp>

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**Staff Recommendation:**

<input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Consistent after Modifications
<input type="checkbox"/> Inconsistent	<input type="checkbox"/> No decision

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**Staff Recommendations:** Comply with all ERB recommendations.